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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES G. KARAS,

Plaintiff(s),

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

Case No. 2:16-cv-02479-GMN-NJK  
REPORT AND RECOMMENDATION

On September 12, 2017, the Court denied without prejudice the pending motions in this case because (1) Plaintiff provided insufficiently developed argument, and (2) Plaintiff failed to acknowledge that significant evidence relied upon was not submitted to the ALJ and did not explain whether or how this Court should review such evidence. Docket No. 18. The Court ordered Plaintiff to file an amended motion for remand within 30 days (October 12, 2017). *Id.* Plaintiff failed to do so. On October 16, 2017, the Court ordered Plaintiff to either file the amended motion as previously ordered or show cause why the case should not be dismissed for failure to comply with the Court's order and/or for failure to prosecute. Docket No. 19 (citing Fed. R. Civ. P. 16(f)(1)(C), 41(b)). The deadline to comply was set for October 23, 2017. *Id.* To date, Plaintiff has failed to file an amended motion or respond to the order to show cause. Plaintiff has also not filed a request to extend the deadline to do so.

In short, Plaintiff has now defied two orders and has failed to prosecute his case by filing a motion as ordered. The willful failure of Plaintiff to comply with the Court's orders is an abusive litigation practice that has interfered with the Court's ability to hear this case, delayed litigation,

1 disrupted the Court's timely management of its docket, wasted judicial resources, and threatened the  
2 integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than  
3 dismissal are unavailable because Plaintiff has wilfully refused to comply with the Court's orders, even  
4 after it was clear that dismissal sanctions could result therefrom. *See* Docket No. 19.

5 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED**.

6 DATED: October 24, 2017

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NANCY J. KOPPE  
United States Magistrate Judge

10 **NOTICE**

11 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in  
12 writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme  
13 Court has held that the courts of appeal may determine that an appeal has been waived due to the failure  
14 to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474  
15 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time  
16 and (2) failure to properly address and brief the objectionable issues waives the right to appeal the  
17 District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*,  
18 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir.  
19 1983).